

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHIE A. HILL,

Plaintiff,

v.

Case No. 06-cv-751-JPG

LT. SAMPLES, LT. HUGHES, LT.
LOCKRIDGE, D. BRYMER, DR.
HERMAN O. LYEL, SO FOZZARD,
RANDY J. DAVIS, and BUREAU OF
PRISONS,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Motion to Voluntarily Dismiss Case (Doc. 29) filed by Plaintiff Richie A. Hill. Hill's claims against Defendants D. Brymer, Dr. Herman O. Lyel, So Fozzard, Randy J. Davis and the Bureau of Prisons were dismissed by the Court on threshold review. Hill informs the Court he wishes to dismiss all claims against the remaining defendants without prejudice. Rule 41(a)(1)(A)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. The remaining defendants have not filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss all claims against the remaining defendants at the present time, the Court finds that those claims are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 2, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE